

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LARRY JONES, JR., and DAMION JONES)
by his Mother and next friend,)
VERONICA JONES,)

Plaintiffs,)

V.)

CITY OF CHICAGO, a municipal corporation,
OFFICER JAMES SMITH, STAR # 20664,
OFFICER DARLENE WUJCIK, STAR # 1661,
DETECTIVE JOHN L. FOLINO, JR.,
STAR # 20143, OFFICER MARTIN PHILBIN,
STAR # 4211, OFFICER CARL HATTULA,
STAR # 20516, OFFICER T.K. FOLINO,
STAR # 8669, OFFICER J.L. FLORES,
STAR # 8080, OFFICER F.M. FAGIANO,
STAR # 45, DETECTIVE TIMOTHY B.
MCDERMOTT, STAR # 21084,
OFFICER J.E. ALVARADO, STAR # 12730,
OFFICER S.B. FORDE, STAR # 20203,
OFFICER S.M. FERGUS, STAR # 20809,
OFFICER V.H. KUBICA, STAR # 21066,
OFFICER S.P. DORSEY, STAR # 6126,
OFFICER VAIL, OFFICER SMITH, and
Unknown Chicago Police Officers,

Defendants.)

NO. 08 C 413

HON. GEORGE W. LINDBERG
Judge Presiding

MAGISTRATE JUDGE ASHMAN

INDIVIDUAL DEFENDANTS' AGREED MOTION
FOR ENLARGEMENT OF TIME TO ANSWER OR OTHERWISE PLEAD

Defendants JAMES SMITH, DARLENE WUJCIK, JOHN FOLINO, JR., MARTIN
PHILBIN, TONY FOLINO, FRANK FAGIANO, TIMOTHY MCDERMOTT, JOSUA
ALVARADO, SEAN FORDE, SHEAMUS FERGUS, VICTOR KUBICA and SEAN DORSEY

(collectively referred to as “Defendants”)¹, by one of their attorneys, Jonathan Clark Green, Senior Corporation Counsel of the City of Chicago, (defendants collectively referred to as “Defendants”), respectfully requests this Honorable Court, pursuant to FRCP 6(b)(1), to enlarge their respective times to answer or otherwise plead to Plaintiff’s Complaint in this matter thirty (30) days from today, March 10, 2008, up to and including April 9, 2008.

In support of this motion, the undersigned state as follows:

1. I, the undersigned Jonathan Clark Green, am one of the Assistant Corporation Counsel of the City of Chicago assigned to represent the served individual Defendants in this matter.

2. This matter was recently removed from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois, and federal summonses were issued for the sixteen named individual defendants.

3. Twelve of the sixteen individual named defendants in this matter have been so far personally served at various times over the last few weeks.

4. Due to scheduling conflicts and time constraints, counsel for the individual Defendants have not yet been able to meet with these twelve individual Defendants to review and answer Plaintiff’s Complaint. Much paperwork is in process of being ordered and collected.

5. For the convenience of all parties and the Court, Defendants will therefore need approximately thirty (30) days from today to answer or otherwise plead in this matter, up to and including April 9, 2008.

6. Responding to Plaintiff’s Complaint simultaneously on behalf of all Defendants will promote judicial economy by allowing the Court to set uniform briefing schedules.

¹ Individual Defendants, those Police Officers having been served in this matter, file this Motion solely on their own behalf, and not on behalf of any other named or unnamed defendants.

7. Plaintiff has not been prejudiced by the delay in responding to his complaint since the time the respective services of process were had, and will not be prejudiced by the granting of this motion.

8. Plaintiff's counsel, by telephone on March 7, 2005, has stated that they have no objection to this motion, and that we may proceed to file an agreed motion. Counsel for both Plaintiff and the Defendants are also cooperating in ongoing monitoring of the facilitation of service of process on the numerous individual named defendants through the Office of Legal Affairs of the Chicago Police Department.

9. This motion is the Defendants' first request for an enlargement of time to answer or otherwise plead in this matter for Plaintiff's Complaint, is filed in good faith, and is not intended for the purpose of undue delay.

WHEREFORE, the Defendants respectfully move this Honorable Court to enlarge their respective times to answer or otherwise plead in this matter approximately thirty (30) days from today, March 10, 2008, up to and including April 9, 2008.

Respectfully submitted,

JAMES SMITH, DARLENE WUJCIK,
JOHN FOLINO, JR., MARTIN PHILBIN,
TONY FOLINO, FRANK FAGIANO,
TIMOTHY MCDERMOTT, JOSUA
ALVARADO, SEAN FORDE, SHEAMUS
FERGUS, VICTOR KUBICA and SEAN
DORSEY,

By one of their attorneys,

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